



## DRED SCOTT v. SANDFORD (1857)

**ORIGINS OF THE CASE** Dred Scott's slave master had brought him from the slave state of Missouri to live for a time in free territory and in the free state of Illinois. Eventually they returned to Missouri. Scott believed that because he had lived in free territory, he should be free. In 1854 he sued in federal court for his freedom. The court ruled against him, and he appealed to the Supreme Court.

**THE RULING** The Supreme Court ruled that African Americans were not and could never be citizens. Thus, Dred Scott had no right even to file a lawsuit and remained enslaved.

### LEGAL REASONING

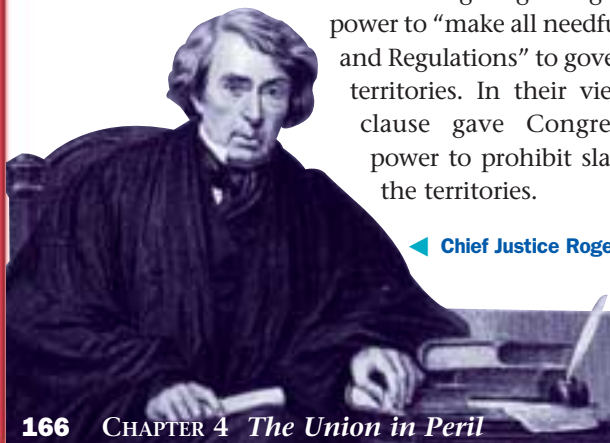
The Court's decision, conceived and written by Chief Justice Roger Taney, made two key findings. First, it held that because Scott was a slave, he was not a citizen and had no right to sue in a United States court.

**"We think they [slaves] . . . are not included, and were not intended to be included, under the word 'citizens' in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States."**

This could have been the end of the matter, but Taney went further. He said that by banning slavery, Congress was, in effect, taking away property. Such an action, he wrote, violated the Fifth Amendment, which guarantees the right not to be deprived of property without due process of law (such as a hearing). Thus, all congressional efforts to ban slavery in the territories were prohibited.

Justices John McLean and Benjamin Curtis strongly dissented on both points. They showed that the U.S. Constitution, state constitutions, and other laws had recognized African Americans as citizens. They also pointed to the clause in the Constitution giving Congress the power to "make all needful Rules and Regulations" to govern U.S. territories. In their view, this clause gave Congress the power to prohibit slavery in the territories.

◀ Chief Justice Roger Taney



### LEGAL SOURCES

#### U.S. CONSTITUTION

##### U.S. CONSTITUTION, ARTICLE 4, SECTION 2 (1789)

"No person held to service or labor in one state, . . . escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor. . . ."

##### U.S. CONSTITUTION, ARTICLE 4, SECTION 3 (1789)

"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States. . . ."

##### U.S. CONSTITUTION, FIFTH AMENDMENT (1791)

"No person shall be . . . deprived of life, liberty, or property, without due process of law. . . ."

#### RELATED CASES

##### ABLEMAN v. BOOTH (1858)

The Court decided that the Fugitive Slave Act was constitutional and that laws passed in Northern states that prohibited the return of fugitive slaves were unconstitutional.

## WHY IT MATTERED

Taney's opinion in *Dred Scott* had far-reaching consequences. Legally, the opinion greatly expanded the reach of slavery. Politically, it heightened the sectional tensions that would lead to the Civil War.

Before the Court decided *Dred Scott*, Americans widely accepted the idea that Congress and the states could limit slavery. As the dissenters argued, many previous acts of Congress had limited slavery—for example, the Northwest Ordinance had banned slavery in the Northwest Territory—and no one had claimed that those acts violated property rights.

Taney's opinion in *Dred Scott*, however, was a major change. This expansion of slaveholders' rights cast doubt on whether free states could prevent slave owners from bringing or even selling slaves into free areas.

As a result, *Dred Scott* intensified the slavery debate as no single event had before. In going beyond what was needed to settle the case before him, Taney's ruling became a political act, and threw into question the legitimacy of the Court. Further, Taney's opinion took the extreme proslavery position and installed it as the national law. It not only negated all the compromises made to date by pro- and anti-slavery forces, but it seemed to preclude any possible future compromises.

## HISTORICAL IMPACT

It took five years of bitter civil war to find out if Taney's opinion would stand as the law of the land. It would not. Immediately after the Civil War, the federal government moved to abolish slavery with the Thirteenth Amendment (1865) and then to extend state and national citizenship with the Fourteenth Amendment (1868) to "[a]ll persons born or naturalized in the United States." The wording of these amend-

ments was expressly intended to nullify *Dred Scott*.

These amendments meant that *Dred Scott* would no longer be used as a precedent—an earlier ruling that can be used to justify a current one. Instead, it is now pointed to as an important lesson on the limits of the Supreme Court's power, as a key step on the road to the Civil War, and as one of the worst decisions ever made by the Supreme Court.



▲ Contemporary newspaper article describing the *Dred Scott* case.

## THINKING CRITICALLY

### CONNECT TO HISTORY

- 1. Developing Historical Perspective** Use the library to find commentaries on *Dred Scott* written at the time the decision was made. Read two of these commentaries and identify which section—North or South—the writer or speaker came from. Explain how each person's region shaped his or her views.

SEE SKILLBUILDER HANDBOOK, PAGE R11.

### CONNECT TO TODAY

- 2. INTERNET ACTIVITY** [CLASSZONE.COM](http://CLASSZONE.COM)

Visit the links for Historic Decisions of the Supreme Court to research what it means to be a citizen of the United States and what rights that citizenship extends. Research which constitutional amendments, U.S. laws, and Supreme Court decisions guarantee the rights of citizens. Prepare an oral presentation or annotated display to summarize your findings.